

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GAYLAND BRION COLES,

Plaintiff,

v.

Case No. 20-12606

Honorable Linda V. Parker

SCION STEEL, INC., et al.,

Defendants.

OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S JUNE 2, 2022,  
REPORT AND RECOMMENDATION

Plaintiff initiated this pro se employment lawsuit against Defendants on September 16, 2020. The action arises from an alleged breach of a March 28, 2019 Confidentiality Settlement Agreement resolving claims brought in another lawsuit. *See Coles v. Scion Steel, Inc.*, Civil Case No. 18-13754. Plaintiff also alleges that subsequent to the resolution of the earlier lawsuit, Defendants retaliated against him for filing the prior lawsuit and gave non-African-Americans more favorable work positions and assignments.

The matter has been referred to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 32.)

Plaintiff filed a motion to amend the Complaint (ECF No. 42), to which Defendants responded. (ECF No. 44.) On June 2, Magistrate Judge Ivy issued a report and recommendation (R&R) recommending that the Court deny in part and strike paragraphs discussing Plaintiff's breach of employee handbook claims from the Complaint. (ECF No. 56.)

At the conclusion of the R&R, Magistrate Judge Ivy informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 1058.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* (citations omitted).) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion to Amend (ECF No. 42) is **DENIED IN PART** and Plaintiff's breach of employee handbook claims be **STRICKEN** from the Amended Complaint.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: December 7, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 7, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager